

Appl. No.: 10/590,466  
Reply to Office Action of: 04/19/2011

REMARKS

Claims 1-5, 7-10, 13-16, 18-22, 24, 27, and 29-34 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kleier (US 2002/0009990) in view Scheuring et al. (US 2002/0131565). Claims 11, 12, 17, 25, and 28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kleier (US 2002/0009990) in view of Scheuring and Wu (US 6,275,575). Claims 23 and 26 were rejected under 35 U.S.C. §103(a) as being obvious over Kleier (US 2002/0009990). The examiner is requested to reconsider these rejections.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

Claim 1 has been amended above to clarify applicant's claimed invention. Claim 1 recites, *inter alia*, that:

- (i) the summons includes "the telephone number of the convener", the respective participants having made their call using the telephone number of the convener mentioned in the summons - see page 2, lines 20-23 of the specification for example; and
- (ii) the application for the convener mobile terminal causes the convener mobile terminal to "automatically join... the participants to the conference call" - i.e. the convening device joins the participants together in the conference call.

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Applicant considers that the prior art documents do not collectively render these features obvious and that these features provide for distinct advantages over the prior art. The Examiner has commented that a skilled person considering the teaching of *Kleier* and *Scheuring* would find the present independent claimed invention obvious. Applicant respectfully disagrees with this position. Applicant considers that the teaching of *Kleier* and *Scheuring*, whether taken separately or in combination, does not teach the features or associated advantages of the present invention.

*Kleier* teaches a device and method for simultaneously joining participants of *Kleier* to the conference call by dialling a specific virtual number (see paragraphs 32 and 33 of *Kleier*). This joining to the call is performed by an intermediary bridge/server (see the Figure 10 of *Kleier*). This simultaneous dialling taught in *Kleier* establishes standard voice calls that are typically used for single person-to-person calls as well known in the art, i.e. a first person calls a second person, and the second person sees the number of the caller and has the option to accept or reject the telephone call (see Figure 7).

The simultaneous dialling of *Kleier* is achieved by the caller creating a list of people/contacts that he wishes to have in a conference call (e.g. by calling at the same time or by sending out an invitation - see Figures 1-6 which illustrate the former and Figure 9 which illustrate the latter).

Paragraphs 28-30 of *Kleier* show how the calling device performs the calling, and that the network holds the virtual

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conference and performs the necessary joint network connections to join together of calls accepted by the participants. Paragraph 33 teaches the alternative embodiment of Kleier, where the participant calls the network using the virtual number received via an invitation, but this number is a virtual number for a virtual conference held by the network - the network still performs the joining of the participants to the conference at the virtual conference number/bridge.

In summary, the overall teaching of Kleier is therefore that, to establish a conference call, a user must set up a virtual conference with a network, and that the network must exclusively perform all the tasks necessary to hold and establish that virtual conference between a convener and participants - i.e. the onus and burden is 100% on the network to join the calls together as part of a virtual conference. This is problematic for users as it requires a lot of forward planning by the convener, as such virtual conference numbers need to be pre-arranged in advance should a convener wish to hold a conference call. This also places all the demand on the network to perform correctly to set up the conference call.

In contrast with the present independent claimed invention, applicant submits that this document cannot be seen to disclose or suggest the feature of "the summons includes the telephone number of the convener" nor the feature of "automatically joining the participants to the conference call in the mobile terminal of the convener". The cited art requires the participants to call the virtual number (not the number of the convener, as presently claimed). Also,

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following the participants calling the convener (not the virtual number as in the cited art) the convenor mobile terminal, not the network (as in the cited art), joins the participants to the convenor mobile terminal, (e.g. by accepting the incoming calls).

*Scheuring* discusses methods for scheduling a conference call (see paragraph 2 of *Scheuring*), where attendees are listed, an agenda is set, and a task list is sent to the attendees on the attendee list as part of the invitation to the conference call (see paragraphs 81 & 82 of *Scheuring*).

This document does not specifically teach how a system might perform the setting up of such a conference. However, referring to Figure 11, applicant submits that a skilled person would understand that this shows that systems implementing the teaching of *Scheuring* would still exclusively perform all the specific tasks associating with establishing a conference call. In essence, this figure shows that the convening device would need to perform the calendaring/scheduling, that the convening device needs to establish the list of participants to be invited, and that the convening device needs to initiate/perform all the calling of the participants.

In summary, although *Scheuring* does not specifically teach how it might be incorporated into a mobile terminal, applicant submits that it implies (in Figure 11) that it is intended for use in systems/devices/terminals that relate to establishing conference calls by performing all scheduling, calling and joining of calls exclusively at the convening device end -

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i.e. the onus and burden is 100% on the convening device. This requires a device with reasonable processing power and software applications capable of performing such processing, and is therefore demanding on whatever system processing power and corresponding battery life there might be available.

In contrast with the present independent claimed invention, applicant similarly submits that this document (like Kleier) cannot be seen to disclose or suggest the feature of "the summons includes the telephone number of the convener" nor the feature of "the respective participants having made the call to the telephone number mentioned in the summons". The present claimed invention does not require the convener to call the participants to set up the call.

#### Non-Obviousness

As has been discussed above, the overall teaching of both Kleier and Scheuring is that one specific component of a system (in which a conference call is to be set up) should perform all the necessary tasks - in Kleier it is the network, and in Scheuring it would be the convening device. In either case, this places a great deal of computational strain and dependence on the ability/capacity of whichever component is selected to do the conference set up processing.

In contrast, applicant considers that the combination of features of the present independent claimed invention presents a non-obvious alternative solution that also helps to alleviate these issues. Applicant submits that these features synergistically work together to provide a system/method for co-operatively arranging conference calls between convener

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devices and participant devices over a network, and that this co-operative arrangement is advantageous over the methods known in the art. In particular, applicant considers that the present independent claimed invention helps to solve the difficulties identified above in relation to 'Kleier' and the implementation of Scheuring.

Operation of the Present Independent Claimed Invention

The respective "summons" are sent to respective participants, and the participant devices receive these summons (e.g. can accept or reject the proposed conference scheduling). The importance of the distinguishing features will become evident, as the below explanation of how the claimed invention works.

Firstly, the included telephone number of the convener that has been picked up by the participant device means that the participant device can call the convener device at the scheduled time. This means that the convener does not need to call respective participants at the scheduled time - any participant that has accepted the summons is capable of calling the convener itself (either by way of automatic or manual scheduling from the summons). This is in contrast with Scheuring, in which the convener device must call every one of the participant devices, and will not know whether a participant device intends to participate in the conference until the convener has called and the participant accepts or rejects the call.

Secondly, upon receiving the individual calls from each of the participants, the convener mobile terminal joins those calls together to establish a conference between the respective

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participants and itself (e.g. by accepting the incoming call). This is in contrast with Kleier, in which the network must perform all the joining of the calls together in a virtual conference.

Drawing these distinctions together, applicant submits that this claimed invention thereby provides for a distinctly advantageous set of results. What has occurred is that the participant devices make respective telephone calls to the convener device, and it should be noted that it is the respective participant devices that themselves call the convener at the scheduled time, and the convener device then joins the received calls together into the conference.

As a result, instead of placing all the processing demand on one component of the device (e.g. the components being the network, the convening device, and the participant devices), there is a system-wide co-operation between the respective components so that the burden of performing all the 'active' steps to set up a conference call are advantageously, and non-obviously, shared.

This means that each component is provided with a particular but manageable task:

- (i) the convener mobile terminal just has to send out the summons and join any calls together;
- (ii) the respective participant mobile devices just have to make their own call to the convener mobile terminal using the provided convener telephone number at the scheduled time; and

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(iii) the network, as part of the system required to set up a conference call between the convener mobile terminal and participant mobile devices, simply has to connect individual calls to the convener, who can then just accept the calls and establish the conference call by joining all the calls together.

Applicant submits that none of these respective tasks are particularly difficult or even out of the ordinary for each of the devices, but equally so are not rendered obvious by any of the cited prior art documents. These respective tasks when performed as part of a unified system of mobile devices/components thereby makes setting up a conference, using mobile terminals, far easier and less demanding than in any of the prior art documents.

With regard to advantages over Kleier, this means that a user does not need to pre-arrange a virtual conference number/bridge with their network beforehand, but can simply set up a conference using currently existing functions on their mobile telephone.

With regard to advantages over Scheuring, the onus does not lie with the convener to perform all the calling around to arrange a conference call, instead the onus lies with the participants. As a result, any participant device that has accepted the invitation will call the convener and be party to the conference, whilst those who have not accepted the invitation will not call the convener and will not be joined to the conference (and thus the burden on the system for establishing the conference call is reduced).

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Applicant submits that there is no suggestion to combine the references as the examiner is attempting to do (at least not until after reading applicant's patent application). In particular, applicant respectfully submits that the Examiner is using unallowable hindsight and cherry-picking features from documents to arrive at his 'obviousness' position. Applicant respectfully reminds the Examiner that it is not permissible to simply look at the features of the independent claimed invention and then source documents with features that can be cherry-picked just to "add up" to the same feature set as the independent claimed invention. Applicant submits that the invention and its distinct advantages must be looked at as a whole, and that from this position its non-obviousness can be seen, as argued above.

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. (see MPEP 2143.01, page 2100-98, column 1). The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination (see MPEP 2143.01, page 2100-98, column 2). A statement that modifications of the prior art to meet the claimed invention would have been "well within the ordinary skill of the art at the time the claimed invention was made" because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient

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to establish a *prima facie* case of obviousness without some objective reason to combine the teachings of the references. (see MPEP 2143.01, page 2100-99, column 1) Ex parte Levengood, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993). >See also Al-Site Corp. v. VSI Int'l Inc., 174 F.3d 1308, 50 USPQ2d 1161 (Fed. Cir. 1999) (The level of skill in the art cannot be relied upon to provide the suggestion to combine references.)

In summary, applicant submits that this independent claimed invention distributes effort across the convener mobile terminal, participant mobile devices and network(s), and thereby provides an advantageously co-operative system for setting up a conference call between a convener mobile terminal and multiple participant mobile devices.

In the present case, there is no teaching, suggestion, or motivation, found in either the references themselves or in the knowledge generally available to one of ordinary skill in the art, to provide the features as claimed in claim 1. The features of claim 1 are not disclosed or suggested in the art of record. Therefore, claim 1 is patentable and should be allowed.

For at least the foregoing reasons, independent claim 1 is patentable over Kleier (US 2002/0009990) in view Scheuring et al. (US 2002/0131565). All other independent claims also are patentable over Kleier (US 2002/0009990) in view Scheuring et al. (US 2002/0131565) for corresponding reasons regarding correspondingly recited subject matter.

Accordingly, as all independent claims are patentable, all pending dependent claims, including newly added claim 35, also

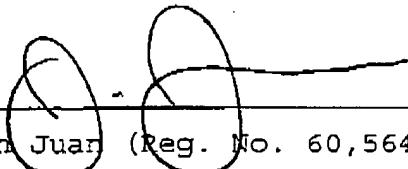
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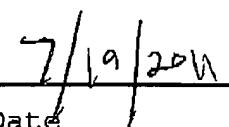
are patentable at least in view of their dependency from an allowable independent claim.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record. Accordingly, favorable reconsideration and allowance is respectfully requested. If there are any additional charges with respect to this Amendment or otherwise, please charge deposit account 50-1924 for any fee deficiency. Should any unresolved issue remain, the examiner is invited to call applicant's attorney at the telephone number indicated below.

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